

S. Dominguez  
1/30/09

# United States District Court

SOUTHERN

DISTRICT OF

OHIO

## In the matter of the Search of

(Name, address or brief description of person or property to be searched)

Express Mail parcel EH618813871US  
addressed to T. Wilson, 294 Mayfair Blvd.,  
Columbus, OH 43213; bearing the return address  
of Tim Miller, 5711 Star Lane, Houston, TX 77057.

## APPLICATION AND AFFIDAVIT

CASE NUMBER: 2:09-mj-46

I, Donny T. Simmons being duly sworn, depose and say:

I am a (n) U. S. Postal Inspector and have reason to believe that  
( ) on the person of or ( X ) on the premises known as (name, description and/or location)

Express Mail parcel EH618813871US addressed to T. Wilson, 294 Mayfair Blvd., Columbus, OH 43213;  
bearing the return address of Tim Miller, 5711 Star Lane, Houston, TX 77057. The parcel is a 18"x18"x16"  
brown cardboard box, sealed with brown paper tape and Express Mail tape. The parcel weighs 23 pounds 5  
ounces, mailed from Sugarland, TX 77478; on January 29, 2009; with \$97.20 postage affixed.

In the Southern District of Ohio  
there is now concealed a certain person or property, namely (describe the person or property)

a quantity of controlled substance

which is (give alleged grounds for search and seizure under Rule 41(b) of the Federal Rules of Criminal Procedure)

contraband

In violation of Title 21 United States Code, Section(s) 841(a)(1) and 843(b)  
The facts to support the issuance of a Search Warrant are as follows:

See Attached Affidavit

Continued on the attached sheet and made a part hereof. ( X ) Yes ( ) No

  
Signature of Affiant

Sworn to before me, and subscribed in my presence

January 30, 2009

Date

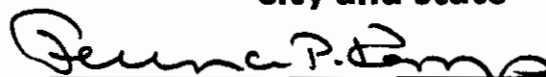
at

Columbus, Ohio

City and State

Terence P. Kemp, U.S. Magistrate/Judge

Name of Title of Judicial Officer

  
Signature of Judicial Officer

Attachment to Application and Affidavit for Search Warrant

I, Donny Simmons, Postal Inspector, being duly sworn, depose and state as follows:

I have been a U.S. Postal Inspector for the past 18 years, enforcing federal mail and drug laws; currently assigned to Columbus, OH. I have received training at U.S. Postal Inspection Service National Training Seminars for mail related criminal investigations and have investigated cases with other federal, state, and local police units.

The U.S. Postal Inspection Service is aware that drug traffickers have been using the United States Postal Service, to transport controlled substances and transfer funds, cash or otherwise, to further their enterprises. As a result of past investigations and prosecutions, the Postal Inspection Service has determined that a number of indicators can be used to identify packages containing contraband that have been entered into the United States Postal Service network. Inspectors routinely review shipment documents and United States Postal Service packages originating from or destined to drug source areas, to identify instances where there is a possibility of drug trafficking.

On January 30, 2009, Postal Inspectors in Columbus, OH, were examining Express Mail received at Citygate Processing and Distribution Center. Inspector Simmons found a parcel coming from Houston, Texas which he felt might contain illegal contraband.

On January 30, 2009 Postal Inspectors took possession of US Postal Service Express Mail parcel EH618813871US addressed to T. Wilson, 294 Mayfair Blvd., Columbus, OH 43213; bearing the return address of Tim Miller, 5711 Star Lane, Houston, TX 77057. The parcel is a 18"x18"x16" brown cardboard box, sealed with brown paper and Express Mail tape. The parcel weighs 23 pounds 5 ounces, postmarked January 29, 2009 at Sugarland, TX 77478 with \$97.20 postage affixed.

A check with the Whitehall Branch of the United States postal Service revealed the address of 294 Mayfair Blvd., Columbus, OH 43213 is a legitimate address; however T. Wilson is not known to receive mail there. A computerized address check was also conducted on the sender's address. The check revealed that the address of 5711 Star Lane, Houston, TX 77057 is a legitimate address in Houston; however Tim Miller is not shown as receiving mail at that address. I know that drug traffickers have, in the past, used fictitious names and addresses on parcels containing contraband to conceal the identity of the mailer, if the parcel is seized by law enforcement officers. Additionally, the Houston, TX, area is a known

source city for shipment of contraband to Central Ohio as well as other areas of the United States.

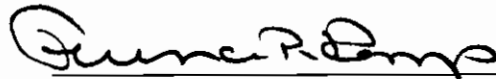
Inspectors contacted Sergeant Mark Cartwright, Columbus Police Department, who is the handler for "Bart", a drug detection dog, most recently certified by the Ohio Peace Officers Training Council for the detection of: marijuana, hashish, cocaine, "crack", heroin, and methamphetamine. K-9 "Bart" has had 120 hours of training at Gold Shield Training Kennels, Blacklick, OH, a well-established and regarded training facility for police canines. Both in training and actual deployments, K-9 "Bart" has successfully detected narcotics; demonstrating clear, positive, aggressive alerts, establishing himself as a highly reliable police dog.

The subject parcel was hidden among postal packages at the Twin Rivers Post Office, 850 Twin Rivers Dr., Columbus, OH, 43216. "Bart" was allowed to search the entire area. Sergeant Cartwright concluded that K-9 "Bart" alerted positively to Express Mail parcel EH618813871US, indicating the presence of narcotic substances.

Based on the facts set forth in this Affidavit, I believe there is probable cause to believe that controlled substances are being concealed in the parcel, and seek the issuance of a warrant to search the parcel for controlled substances to be seized.

  
Donny Simmons, U.S. Postal Inspector

Sworn to before me, and subscribed in my presence, this 30<sup>th</sup> day of January 2009, at Columbus, Ohio.

  
Terence P. Kemp, U.S. Magistrate/Judge